IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 828 of 2005

Between:

A. Subba Reddy S/o Brahma Reddy, aged 37 years,
R/o 14-8-81, Kothuru, Naidupalem, Prakasam District

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Prakasam District at Ongole
2 The Motor Vehicles Inspector, Markapur, Prakasam District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the Respondents in seizing and detaining the petitioner's Motor Cab bearing Registration No ABK 5207 pursuant to the Vehicle Check Report No. 080036, dt 30-11-2004 of the 2nd respondent as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the said vehicle to the petitioner herein, forthwith.

Counsel for the Petitioner:MR.E.MARUTHI RAJA

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court at the admission stage made the following :

O R D E R ;

The vehicle of the petitioner was seized by Check Report No. 080036, dated 30.11.2004 for violation of certain conditions of the Motor Vehicles Act.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

When the petitioner violated the conditions of any provisions of the Motor Vehicles Act, particularly with reference to Section 207 of the Motor Vehicles Act, they are required to be gone into by the competent authority. There is no point in keeping the vehicle idle and as submitted the condition of the vehicle is deteriorating day by day as the same is kept in open space exposed to sun and rain.

Hence, the vehicle bearing Registration No.ABK-5207 of the petitioner shall be returned to the petitioner subject to the following conditions:

i. That, the petitioner shall not alienate or transfer the vehicle,

ii. That, the petitioner shall produce the said vehicle as and when required by the Authority; and

iii. That, the petitioner shall pay the tax due, if any, as on today.

With the above observations, the Writ Petition is disposed of.

No costs.

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K.C. BHANU, J

Dated:31.01.2005

Ccm

Note: Wire the operative portion of the order

at party's cost.

B/O

CCM

To:

1 The Secretary, Regional Transport Authority, Prakasam District at Ongole
2 The Motor Vehicles Inspector, Markapur, Prakasam District

3 2 CCs to the Government Pleader for Transport, High Court

Buildings,A.P.Hyderabad (OUT)

4 2 CD copies.